

Legal Aid BC Update

From the desk of Mark Benton, QC
Chief Executive Officer, Legal Services Society



We're operating in high gear at the Legal Services Society these days — in fact, we've been doing so since the provincial government's announcement last February of a \$12 million increase in legal aid funding.

This will only continue, moving into late fall and winter. At a recent LSS board planning session, the board confirmed that LSS is staying the course with priorities that include improving family law and Indigenous client services, as described here.

Parents Legal Centre expansion

The location of seven new Parents Legal Centres (PLCs) for child protection matters were announced in May. These are closer to opening now, and we're optimistic that centres in Duncan, Prince George, Campbell River and Smithers will be providing services this fall. Centres in Victoria, Williams Lake and Kamloops are expected to open in early 2019. The focus of the centres will be on assisting Indigenous communities with child protection matters.

Of course, PLCs already exist in Vancouver and Surrey, providing early and collaborative services to parents (and people standing in for the parents) when a child is at risk of removal.

If you'd like to know more about how the PLC model works, a story we posted on our website [can be found here](#).



More legal aid help for Indigenous and family law clients

Extra government funding has also meant we have rolled out more legal aid coverage, particularly for Indigenous and family law clients.

In family and child protection law, we now pay lawyers to support Indigenous clients with issues related to their primary legal issue, such as band membership applications or access to benefit programs. We're also helping clients with issues related to on-reserve property after a relationship ends.

Lawyers with clients who can't represent themselves in court but don't meet LSS's coverage eligibility criteria can now apply to LSS to get an exception review. We're also taking a more generous approach to determining financial eligibility for family legal aid, which means more people will get help.

This year we're also now able to pay for as many as 300 Gladue reports to ensure the unique circumstances of Indigenous clients are understood by judges at sentencing.

These are just some of the ways we are improving legal aid services. Don't hesitate to ask me more about what we are doing.

Lawyers increasingly unwilling to accept family duty counsel shifts at some locations

LSS is facing serious challenges to filling family duty counsel shifts in some court locations. Family duty counsel play a key role at provincial courts by providing brief legal advice to people who can't afford a lawyer. The service helps keep the court system running smoothly by reducing the number of people who appear in court without any legal guidance.

Several factors are influencing the decline in number of available family duty counsel, including that lawyers are increasingly unwilling to do the work at the rate LSS pays. Low legal aid rates are a long-standing issue among lawyers, who would be paid at much higher rates if hired by government to do similar work.

Other reasons for the shortage include the appointment of experienced duty counsel as judges, attrition through retirements, and the recent hiring of former duty counsel for LSS's new Parents Legal Centres.

To meet client needs, LSS is making every effort to fill the vacancies and, in the meantime, is flying lawyers in to high-demand locations at an increased cost. It is uncertain how long such measures will be sustainable.

New Indigenous Services Division

One of LSS's biggest priorities over the next five years is to improve access to justice for Indigenous people. This required creating a dedicated Indigenous Services Division. Its new vice president, Renzo Caron, is a member of the Sagamok Anishnawbek First Nation and a lawyer who has worked on behalf of legal aid clients in BC.

He and his team manage the Parents Legal Centres and engagement with First Nations communities on justice needs.

The division is also responsible for the society's Reconciliation Action Plan, which will guide all of our actions to move us closer to reconciliation with Indigenous people.

AG announces review of legal aid service delivery

Attorney General David Eby, QC, recently announced an external review of legal aid service delivery in British Columbia. Lawyer Jamie Maclaren, QC, of Access Pro Bono will conduct the review.

LSS welcomes any public discussion about legal aid. As many of you know, LSS has struggled for many years with inadequate funding. The AG's significant increase in legal aid funding in February 2018 is helping us improve service delivery for people facing family law and child protection issues, and improve access to justice for Indigenous people.

The Maclaren review is an opportunity for justice system stakeholders to identify gaps in legal aid services and better ways to deliver those services to clients.

Ukrainian delegation visits

Switching to the world outside our provincial borders, the Minister of Justice for Ukraine and the head of the country's legal aid program visited LSS this summer to learn about board governance and the provision of legal aid services.

Minister Pavlo Petrenko and legal aid head Oleksii Boniuk were here as part of a five-year project funded by Global Affairs Canada to assist Ukraine to develop a legal aid program.

Both spoke passionately about wanting to learn from LSS about how to create a legal aid program that can survive political change without interference from government. They were also particularly interested in how LSS collects data about unmet legal needs and how we evaluate the efficiency of our programs.

Ukraine's legal aid program is only four-and-a-half years old, having been set up in 2014 following the Ukrainian revolution (known as the Revolution of Dignity). It has more than 500 offices around the country and 2,500 employees. The government and the program's executives are, however, still learning how to manage their operations and how to meet clients' legal needs.

